

Application No.: 09/317,807
Amendment dated:
Reply to Office Action of: December 31, 2003

REMARKS

This amendment is responsive to the Office Action dated December 31, 2003. By this amendment, Applicant respectfully requests the Examiner to reconsider this application in view of the above amendments to claim 1 and the arguments urged below to distinguish the prior art asserted by the Examiner.

In paragraph 3 of the office action, claims 1, 18, 20, 23, and 26 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Masson et al (“Masson”) in view of Stephenson et al. (“Stephenson”). As urged before, the Masson patent lacks not only a test for negative file data, but also, it lacks a teaching that the negative data is indicative of prohibitive use. For the Examiner to combine Masson with Stephenson, Masson must carry an explicit suggestion to invite such a combination. Applicant does not note any such explicit suggestion in Masson. In addition, Applicant notes that Stephenson’s system involves “point-of-sale” terminals in which credit cards are inserted. The claims are directed to use of “remote terminals by individual callers where the terminals comprise a telephone instrument including voice communication means and digital input means for providing data.” Although the Examiner contends that it irrelevant as to how the credit card numbers are received by Stephenson, Applicant respectfully submits that the claims here call for testing of data entered by the caller against negative data.

Claims 1, 22, and 24 are rejected under 35 U.S.C. Section 103(a) as unpatentable over Hester in view of Stephenson. Again, Applicant notes that Hester does not teach testing for negative file data, much less, negative data indicative of prohibitive use. Applicant questions a combination of Hester with Stephenson, as Stephenson describes “point-of-sale” terminals in

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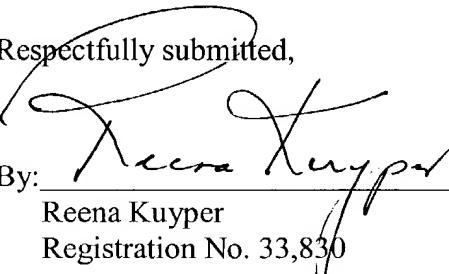
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which credit cards are inserted. The distinctions urged above with respect to Stephenson are urged again with respect to a combination of Hester with Stephenson.

The Examiner has also rejected claim 19 under 35 U.S.C. Section 103(a) as being unpatentable over Masson in view of Stephenson and further in view of Britton. In addition, the Examiner has rejected claims 21 and 25 under 35 U.S.C. Section 103(a) as being unpatentable over the combination of Masson and Stephenson and further in view of Entenmann et al. ("Entenmann"). Applicant respectfully submits that claims 19, 21, and 25 are dependent claims and distinct by virtue of their dependency on claim 1 (either directly or via claim 18).

Favorable reconsideration of this application is respectfully requested.

Dated: June 30, 2004
9220 Sunset Blvd., Suite 303
Los Angeles, CA 90069
(310) 247-2860

Respectfully submitted,
By: 
Reena Kuyper
Registration No. 33,830